

# THE GOVERNMENT VERSUS FRED HAMPTON AND THE PEOPLE -- AN EXAMPLE OF CONTRA



Fred Hampton, Chairman, Illinois Black Panther Party

## I. THE JURY

Although it is said that every defendant has a right to a trial by a jury of his peers, Fred Hampton was tried by a jury which was selected from a list including few poor black young people; even the blacks on the list were for the most part thrown out by the State's Attorney.

Although a defendant is supposed to have the right to dismiss jurors who are prejudiced against him, Fred Hampton was allowed to probe for prejudice only by asking potential jurors questions in the presence of each other, so that each juror quickly learned from the answers of prior jurors what was the acceptable answer to questions on prejudice.

## II. THE TESTIMONY

Although witnesses are not supposed to be allowed to unduly inflame the passion and sympathy of the jurors, the ice cream man who testified against Fred Hampton was allowed to testify in an army uniform.

Although jurors, in judging the credibility of witnesses, are to take into account the content and manner of the witness' testimony, the jury that tried Fred Hampton ignored the many inconsistencies and "I don't know" answers of the ice cream man.

Although police officers are public officials whose duty is to protect the innocent by thorough investigations of cases and truthful testimony in court, Officer Duffy who testified against Fred Hampton, has a long record of personal vendettas and many harassments against Fred Hamp-

Although justice is, in legal theory, based upon the truth, Fred Hampton's trial illustrates how it is in fact based upon the stories of the State's witnesses, who can easily be taught to tell the stories so as to make it impossible for the defense to prove incompleteness, inaccuracies and lies.

Although the State has at its command immense investigative and lawyer resources, Fred Hampton had only himself and an attorney who agreed to represent him for fee.

Although the real issue in Fred Hampton's trial was the racism of the ice cream man, the police and the jury, the legal system precludes the raising of these issues by strict rules of relevancy and stringent limits on what constitutes proof.

Although Americans admire such legendary figures as Robin Hood, the criminal law penalizes severely even those, such as Fred Hampton, who are accused, tried and convicted without proof of being Robin Hoods.

Although the legal system is theoretically neutral about a person's politics (e.g. a person cannot be held to answer in court about his ballots), Fred Hampton was tried, convicted and sentenced solely because of his politics and most especially because of his efforts to build power among poor people which is a threat to those who control the legal system (i.e., Mayor Daley, who effectively appoints and fires judges, prosecutors, and police officers).

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Although the law is theoretically enforced equally against all citizens, the prosecutor and the police have in fact unbridled discretion to choose who is arrested and charged and what they are charged for; a discretion exercised to find a way, among the government's arsenal of "criminal laws," for putting Fred Hampton in jail.

#### V THE VERDICT

Although a People's trial in which the transcript of the government's trial was used for evidence, found Fred Hampton in-

nocent, the government's trial found him guilty.

#### VI THE SENTENCING

Although the law requires that a judge base his sentence on the "moral character" of the defendant, Judge Jones asked not about Fred Hampton's activities on behalf of poor people, but only about whether he attended church, had a good paying job, and lived at home with his parents.

Although the defendant's political beliefs are not lawfully relevant to how long a sentence he is given, Prosecutor McGee was permitted to inquire into Fred Hampton's political beliefs.

Although the minimum sentence would normally be one year for a youthful first offender found guilty of an unarmed robbery, Fred Hampton was sentenced to a minimum of two years and a maximum of five years.

#### VII BAIL PENDING APPEAL

Although the law and constitution clearly allow for a defendant to be admitted to bail pending a final determination by an appellate court that his trial was legally held, Fred Hampton was denied bail.

Although judges usually consider when they are deciding whether to grant bail, the defendant's record of convictions (Fred Hampton has only a \$25 fine on his record), the defendant's past record in appealing for scheduled court dates (Fred Hampton never missed one and he has always turned himself in, upon learning of outstanding warrants against him), the defendant's ties in the community (Fred Hampton's life and work is centered in the Chicago area) Judge Jones denied Fred Hampton bail without even inquiring into these facts.

Although Officer Nuccio who was convicted for the murder of Ronald Nelson and although all of those convicted for the murder of Jerome Huey are all walking the streets free on bail pending the outcome of the appeal in their cases, Fred Hampton, convicted of stealing ice cream for children, is imprisoned while his appeal is pending.